

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1589

Introduced by Senator Denham

February 20, 2004

An act to amend Section 111080 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1589, as amended, Denham. Bottled and vended water.

The existing Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of food, drugs, and cosmetics. That law also provides for the regulation by the department of persons engaged in activities relating to bottled, vended, hauled, and processed water. A violation of these provisions is a crime.

Specifically, the Sherman Food, Drug, and Cosmetic Law requires the quality and labeling standards requirements for bottled water and vended water to include standards prescribed by federal regulations. In addition, existing law requires that bottled water and vended water ~~may~~ not exceed 10 parts per billion of total trihalomethanes or 5 parts per billion of lead unless the State Department of Health Services establishes a lower level by regulation.

This bill would instead, require that ~~only~~, *unless the department establishes a lower level by regulation*, bottled water ~~may~~ not exceed 10 parts per billion of total trihalomethanes or 5 parts per billion of lead ~~unless the department establishes a lower level by regulation. For vended water, the bill would require that it meet all maximum contaminant levels set for trihalomethanes and lead and vended water not exceed 10 parts per billion of total trihalomethanes, on average, or 5 parts per billion of lead for public drinking water. This bill would~~

also require the department to develop a program for inspecting water vending machines, as specified.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111080 of the Health and Safety Code
2 is amended to read:

3 111080. The quality and labeling standards requirements for
4 bottled water and vended water, including mineral water, shall
5 include all standards prescribed by Section 165.110 of Title 21 of
6 the Code of Federal Regulations. In addition, bottled water and
7 vended water, when bottled, shall comply with the following
8 quality standards and any additional quality standards adopted by
9 regulation that the department determines are reasonably
10 necessary to protect the public health:

11 (a) Bottled water and vended water shall meet all maximum
12 contaminant levels set for public drinking water that the
13 department determines are necessary or appropriate so that bottled
14 water may present no adverse effect on public health. New or
15 revised allowable levels or monitoring provisions adopted for
16 bottled water by the United States Food and Drug Administration
17 under the federal Food, Drug and Cosmetic Act that are more
18 stringent than the state requirements for bottled water are
19 incorporated into this chapter and are effective on the date
20 established by the federal provisions unless otherwise established
21 by regulations of the department.

22 (b) Bottled water ~~may~~ *shall* not exceed 10 parts per billion of
23 total trihalomethanes or five parts per billion of lead unless the
24 department establishes a lower level by regulation. ~~Vended water~~



1 ~~shall meet all maximum contaminant levels set for~~
2 ~~trihalomethanes and lead for public drinking water.~~

3 ~~(e)~~

4 *(c) Vended water shall not exceed, on average, 10 parts per*
5 *billion of total trihalomethanes, unless the department*
6 *establishes a lower level by regulation. Vended water shall not*
7 *exceed five parts per billion of lead, unless the department*
8 *establishes a lower level by regulation.*

9 *(d) Bottled and vended water may not contain shall contain no*
10 *chemicals in concentrations that the United States Food and Drug*
11 *Administration or the state department has determined may have*
12 *an adverse effect on public health.*

13 *(e) The State Department of Health Services shall develop a*
14 *program to inspect water vending machines using a statistically*
15 *significant sample. The inspection program may also include*
16 *procedures for inspecting the quality of the water and for*
17 *determining if the water vending machines are in compliance with*
18 *labeling requirements.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.